

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Essie Morgan,)	
)	
Plaintiff,)	CA No. 6:03-1578-HMH
)	
vs.)	OPINION AND ORDER
)	
Jo Anne B. Barnhart, Commissioner of)	
Social Security,)	
)	
Defendant.)	

This matter is before the court on remand from the United States Court of Appeals for the Fourth Circuit. On August 5, 2005, the Fourth Circuit vacated and remanded this court's order, which affirmed the administrative law judge's ("ALJ") order denying Essie Morgan's application for Social Security benefits. Morgan v. Barnhart, No. 04-1692, 2005 WL 1870019, at *7 (4th Cir. Aug. 5, 2005). In its opinion, the Fourth Circuit instructed the court to vacate and remand the ALJ's order. Id. The Fourth Circuit further held that "[o]n remand, the ALJ should, in a manner consistent with [the Fourth Circuit's] opinion, redetermine Morgan's [residual functional capacity] and, if required, accept additional evidence to determine whether relevant jobs exist for Morgan in the national economy." Id.

It is therefore

ORDERED that the ALJ's order denying Morgan Social Security benefits is vacated and this case is remanded to redetermine, in a manner consistent with the Fourth Circuit's August 5, 2005, opinion, Morgan's residual functional capacity and, if necessary, accept additional evidence to determine whether relevant jobs exist for Morgan in the national economy.

IT IS SO ORDERED.

Greenville, South Carolina
October 3, 2005

s/ Henry M. Herlong, Jr.
United States District Judge